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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/769,451	01/26/2001	Masanori Wakai	35.G2720	5447
5514	7590	03/22/2005	EXAMINER	
FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112			NGUYEN, JENNIFER T	
			ART UNIT	PAPER NUMBER
			2674	

DATE MAILED: 03/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/769,451

**Applicant(s)**

WAKAI ET AL.

**Examiner**

Jennifer T Nguyen

**Art Unit**

2674

CA

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 02/28/05.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,4-6,153 and 155 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 4-6, 153, and 155 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

1. This Office action is responsive to amendment filed on 02/28/2005.

#### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 4-6, 153, and 155 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yasutake (U.S. Patent No. 5,483,261).

Regarding claims 1, 153, and 155, referring to Figs. 1-6, Yasutake teaches a position information processing apparatus (130) for processing position information comprising: designated position detector means (i.e., CCD camera 110) (Fig. 1) for detecting a plurality of concurrently designated positions (i.e., control object 410, 415) (Fig. 4A) at a plurality of times, sequentially (i.e., new control object time and previous control object time); identifying means (i.e., computer 250) for identifying, each time the concurrently designated positions (i.e., new control object) are detected, a corresponding one designated position (i.e., previous control object), from among the plurality of designated positions detected at a preceding time, having an area closest to an area (705) (Fig. 7b) (i.e., a contact area by a finger on a touch panel) of each of the plurality of designated positions detected at a current time (col. 3, line 41 to col. 4, line 23, col. 5, line 42 to col. 7, line 5, and col. 8, lines 56-58).

Yasutake differ from claims 1, 153, and 155 in that he does not specifically teach travel path recognizer means for recognizing respective travel paths of the plurality of designated

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positions by recognizing each travel path which connects corresponding designated positions detected at the plurality of times. However, Yasutake suggests that the computer (250) can calculate the distance between all old objects detected at the previous time (before moving the fingers) and corresponding all new objects (that have newly appeared). Therefore, it would have been obvious to obtain travel path recognizer means for recognizing respective travel paths of the plurality of designated positions by recognizing a travel path from each of the plurality of designated positions detected at the preceding time to the corresponding one of the plurality of designated positions detected at the current time in order to provide interactive graphical user interface and perform an operation.

Regarding claim 4, Yasutake further teaches the designated position detector means (210) is a touch-panel-type detector means (from col. 3, line 41 to col. 4, line 23).

Regarding claim 5, Yasutake further teaches the designated position detector means (210) comprises: an image-pickup means (inside to CCD) for picking up a scene in which an operator designates a position; and a designated-position recognizer means (inside to CCD) for recognizing the designated position from the image of the scene picked up by the image-pickup means (from col. 3, line 41 to col. 4, line 23).

Regarding claim 6, Yasutake further teaches the designated position detector means detects the position of a fingertip of an operator (col. 4, lines 1-30).

#### ***Response to Arguments***

4. Applicants' arguments filed 02/28/2005, have been fully considered but they are not persuasive because as follows:

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In response to applicants' argument filed "Yasutake fails to teach or suggest at least the feature of identifying a corresponding one designated position, from among a plurality of designated positions detected at a preceding time, having an area closest to an area of each of the plurality of designated positions detected at a current time". Examiner does not agree. Yasutake teaches the feature of identifying a corresponding one designated position (i.e., previous control object), from among a plurality of designated positions detected at a preceding time, having an area closest (i.e., nearest new object) to an area (i.e., a contact area by a finger on a touch panel) of each of the plurality of designated positions (i.e., new control object) detected at a current time (col. 7, lines 1-18). Yasutake teaches identifying designated positions based on area (Fig. 7b) wherein the designated positions such as control objects 705, 710, and 715 are represented by "spots", of varying size and shape (col. 8, lines 56-58). Therefore, the ground of the rejection is maintained.

5. Applicant's arguments with respect to claims 1, 4-6, 153, and 155 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jennifer T Nguyen whose telephone number is 571-272-7696. The examiner can normally be reached on Mon-Fri: 9:00am-5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick N. Edouard can be reached on 571-272-7603. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JNguyen  
03/11/2005

  
REGINA LIANG  
PRIMARY EXAMINER